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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/978,551	10/18/2001	Hirota Noro	740670-269	5064
31780	7590	10/05/2007	EXAMINER	
ERIC ROBINSON			TANG, KAREN C	
PMB 955			ART UNIT	
21010 SOUTHBANK ST.			PAPER NUMBER	
POTOMAC FALLS, VA 20165			2151	
			MAIL DATE	DELIVERY MODE
			10/05/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 09/978,551	<b>Applicant(s)</b> NORO, HIROTAKA	
	<b>Examiner</b> Karen C. Tang	<b>Art Unit</b> 2151	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 21 August 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 7 and 8 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 7 and 8 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date <u>3/23/07</u> . | 6) <input type="checkbox"/> Other: _____  |

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- This action is responsive to the amendment and remarks file on 8/21/07.
- Claims 7 and 8 are presented for further examination.

## **DETAILED ACTION**

### ***Response to Arguments***

Applicant's arguments with respect to claims 7 and 8 have been considered but are moot in view of the new ground(s) of rejection.

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 7 and 8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Applicant Admitted Prior Art (AAPA - Background Information 2002/0055970) in view of Yankowski (US 6,147,940) in further view of Morohashi (US 6,675,179).

1. Referring to Claims 7 and 8, Morohashi discloses audio system having a recording/reproducing apparatus for recording on a record disk music data reproduced from a reproduction disk and a control apparatus for controlling the recording/reproducing apparatus,

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the control apparatus being adapted to communicate with an external information management server via a predetermined interface, the audio system comprising:

judging means contained in the recording/reproducing apparatus for judging whether identification information used to identify a target reproduction disk (CD disk title, refer to 0009)

and the target reproduction disk have text information (recorded text data, refer to 0009),

wherein if it is judged that the identification information and the target reproduction disk have the text information, the judging means operates to transfer the text information in addition to the identification information to the control apparatus (refer to 0011);

means contained in the control apparatus for judging whether the text information is information of claiming a copyright (refer to 0013);

means contained in the control apparatus adapted to operate to initialize a title area in a memory contained in the control apparatus so as to generate an edit image when the text information is judged to be the information of claiming the copy right (refer to 0013, 0015, 0016, )

and to extract title information from the text information and store the extracted title information in the title area in the memory so as to generate the edit image when the text information is judged not to be the information of claiming the copyright (refer to 0014, 0016-0019);

means contained in the control apparatus for generating an edit image in accordance with information in the memory in order to perform the editing work for the title information (refer to 0016-0018);

means contained in the control apparatus for transferring the extracted title information from memory to the recording/reproducing apparatus in response to the completion of the recording of one piece of music in the recording/reproducing apparatus (refer to 0022); and

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means contained in the recording/reproducing apparatus for registering in the record disk the extracted title information (refer to 0021);

Although AAPA disclosed the invention substantially as claimed, AAPA is silent regarding means contained in the control apparatus, if is judged in the judging means that the target reproduction disk does not have the text information, for communicating with the external information management server to acquire disk information of the target reproduction disk from the external information management server on the basis of the identification information;

Yankowski, in an analogous art disclosed means contained in the control apparatus, if is judged in the judging means that the target reproduction disk does not have the text information, for communicating with the external information management server to acquire disk information of the target reproduction disk from the external information management server on the basis of the identification information (refer to Col 8, Lines 40-65 and Col 9, Lines 1-10);.

Hence, providing features disclosed by Yankowski, would be desirable for a user to implement in order for system to provide the most updated information remotely and can be provided to the user immediately.

Therefore, at the time of the invention, it would have been obvious to one of ordinary skill in the art to modify the system of AAPA by including the features provided by Yankowski.

Although AAPA and Yankowski disclosed the invention substantially as claimed, AAPA and Yankowski are silent regarding means for judging whether or not a track change has occurred to decide completion of the recording of one piece of music.

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Morohashi, in an analogous art discloses means for judging whether or not a track change has occurred to decide completion of the recording of one piece of music (refer to Col 19, Lines 2-8, and Col 20, Lines 1-10).

Hence, providing features disclosed by Morohashi, would be desirable for a user to implement in order to flexibility to record to record more than one type of recording medium.

Therefore, at the time of the invention, it would have been obvious to one of ordinary skill in the art to modify the system of AAPA and Yankowski by including the features provided by Morohashi.

### *Conclusion*

**Examiner's Notes:** Examiner has cited particular columns and line numbers in the references applied to the claims above for the convenience of the applicant. Although the specified citations are representative of the teachings of the art and are applied to specific limitations within the individual claim, other passages and figures may apply as well. It is respectfully requested from the applicant in preparing responses, to fully consider the references in entirety as potentially teaching all or part of the claimed invention, as well as the context of the passage as taught by the prior art or disclosed by the Examiner. In the case of amending the claimed invention, Applicant is respectfully requested to indicate the portion(s) of the specification which dictate(s) the structure relied on for proper interpretation and also to verify and ascertain the metes and bounds of the claimed invention.

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

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A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Karen C. Tang whose telephone number is (571)272-3116. The examiner can normally be reached on M-F 7 - 3.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Valencia Martin-Wallace can be reached on (571)272-3440. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

KT

 **JOHN FOLLANSBEE**  
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